

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 22-cr-20182

Honorable Terrence G. Berg

Exvaier Otis,

Defendant.

Stipulated Preliminary Order of Forfeiture

Plaintiff, by and through its undersigned attorney, together with the defendant, Exvaier Otis, by and through his attorney, Sanford Schulman, (collectively, the Parties), submit this Stipulated Preliminary Order of Forfeiture to the Court for immediate entry. The Parties stipulate and agree to the following:

A Superseding Indictment was filed on January 5, 2023, charging the defendant Exvaier Otis (defendant) in Count One with Assault of a Federal Officer in violation of 18 U.S.C. §§ 111 (a)(1),(b), Counts Two and Three with Mail Fraud in violation of 18 U.S.C. § 1341, and Counts Four and Five with Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1) . (ECF No. 24).

The Superseding Indictment includes Forfeiture Allegations incorporating the allegations in the Superseding Indictment, providing notice that, upon conviction of the crimes charged in Count Two of the Superseding Indictment, the defendant shall forfeit to the United States and property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Section 981 (a)(1)(C) together with Title 28, United States Code, Section 2461 upon defendant's conviction of a Title 18, United States Code, Section 1341 offense as charged in the Superseding Indictment. Such property includes but is not limited to, a money judgment in an amount to be determined, representing the total value of of all property of value subject to forfeiture, as described in the allegations.

Defendant entered into a Rule 11 Plea Agreement (Rule 11), and thereafter entered a plea of guilty to Counts Two and Four of the Superseding Indictment, which charge him with Mail Fraud in violation of 18 U.S.C. § 1341, and Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1). (ECF No. 29).

In his Rule 11 defendant agreed to the entry of a personal

forfeiture money judgment against him in favor of the United States, in the amount of \$130,000.00, which represents the amount of proceeds the defendant obtained or derived, directly or indirectly, from his violation of 18 U.S.C § 1341. To satisfy the money judgment, defendant explicitly agreed to the forfeiture of any assets he has now, or may later acquire, as substitute assets under 21 U.S.C. § 853(p)(2), and waived and relinquished his rights to oppose the forfeiture of assets under 21 U.S.C. § 853(p)(1) or otherwise.

Defendant also agreed in his Rule 11 agreement to the prompt entry of a Preliminary Order of Forfeiture incorporating the forfeiture money judgment.

Counsel for defendant affirms that they have discussed the \$130,000 forfeiture money judgment with the defendant and that the defendant consents to the entry of this order and forfeiture money judgment.

Based on the defendant's guilty plea and Rule 11, this Stipulation, and other information in the record, and pursuant to 21 U.S.C. § 853, 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 and Federal Rule of Criminal Procedure 32.2, **IT IS HEREBY ORDERED THAT: .**

1. A forfeiture money judgment in the amount \$130,000.00 is **GRANTED** and **ENTERED** against Defendant Exavaier Otis, in favor of the United States of America.
2. To satisfy the money judgment, any assets that Defendant has now, or may later acquire may be forfeited as substitute assets under 21 U.S.C. § 853(p)(2).
3. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Stipulated Preliminary Order of Forfeiture shall become final as to Defendant at the time of entry of the the forfeiture money judgment, shall be made part of the Defendant's sentence in this case and included in the Judgment.
4. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

Dawn N. Ison
United States Attorney

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Dated: July 21, 2023

/s/ Sanford A. Schulman (w/permission)
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Dated: September 15, 2023

IT IS SO ORDERED.

Dated: September 18, 2023

/s/Terrence G. Berg
Hon. Terrence G. Berg
United States District Judge